

**MONDAY, APRIL 8, 1996**

**EIGHTY-THIRD LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Steve Reeves, Hohenwald Church of Christ.

Representative White led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present and not voting..... 96

Representatives present and not voting were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Peach; personal reasons.

Representative Cole(Carter); personal reasons.

Representative Garrett; personal reasons.

### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 458:** Rep(s). Westmoreland, Ramsey and Venable as prime sponsor(s).

**House Joint Resolution No. 514:** Rep(s). McDaniel and Walley as prime sponsor(s).

**House Joint Resolution No. 517:** Rep(s). Head and Kisber as prime sponsor(s).

**House Joint Resolution No. 518:** Rep(s). Head and Bragg as prime sponsor(s).

**House Joint Resolution No. 522:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 1505:** Rep(s). Boyer and Williams(Union) as prime sponsor(s).

**House Bill No. 1973:** Rep(s). Fowlkes as prime sponsor(s).

**House Bill No. 2433:** Rep(s). Herron, Chumney, Burchett and Arriola as prime sponsor(s).

### PERSONAL ORDERS

#### RECOGNITION

Reps. Duer and Napier approached the well to recognize the family of K.C. Dodson.

#### RULES SUSPENDED

Rep. Duer moved that the rules be suspended for the purpose of introducing House Resolution No. 201 out of order, which motion prevailed.

**House Resolution No. 201** -- Memorials, Public Service - K. C. Dodson. by \*Duer.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Duer, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L.,

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 95.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Armstrong moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 530 out of order, which motion prevailed.

**House Joint Resolution No. 530** -- Memorials, Sports - Tennessee Lady Volunteers, 1996 NCAA Women's Basketball champions. by \*Armstrong, \*Head, \*Boyer, \*Tindell, \*Ritchie, \*Garrett.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Armstrong, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh – 95.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Armstrong moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 531 out of order, which motion prevailed.

**House Joint Resolution No. 531** -- Memorials, Sports - Coach Pat Head Summitt. by \*Armstrong.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Armstrong, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Rigsby moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 532 out of order, which motion prevailed.

**House Joint Resolution No. 532** -- Memorials, Sports - Latina Davis. by \*Rigsby, \*Head, \*Armstrong, \*Boyer, \*Tindell, \*Dunn, \*Burchett.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Rigsby, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

#### RULES SUSPENDED

Rep. Head moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 533 out of order, which motion prevailed.

**House Joint Resolution No. 533** -- Memorials, Sports - Michelle Marciniak. by \*Head, \*Boyer, \*Dunn, \*Tindell, \*Armstrong, \*Burchett.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Head, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Windle moved that the rules be suspended for the purpose of introducing House Resolution No. 208 out of order, which motion prevailed.

**House Resolution No. 208** -- Memorials, Public Service - Leadership Overton, 1995-1996. by \*Windle.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Windle, the resolution was adopted by the following vote:

Ayes.....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**RECOGNITION**

Rep. Rinks was recognized in the well.

**RULES SUSPENDED**

Rep. Rinks moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 528 out of order, which motion prevailed.

**House Joint Resolution No. 528** -- Memorials, Recognition and Thanks - Billy Joe Glover. by \*Rinks.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Rinks, the resolution was adopted by the following vote:

Ayes.....96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

### INTRODUCTION OF RESOLUTIONS

April 8, 1996

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Resolution No. 211** -- Constitutional Amendments - Removes constitutional prohibition on lotteries. by \*Kernell, \*Arriola, \*Cantrell, \*Brooks, \*Miller L., \*Langster, \*Chumney, \*Pruitt, \*Givens, \*Odom, \*Callicott.

State & Local Government Committee

**\*House Joint Resolution No. 523** -- General Assembly, Directed Studies - Directs Tennessee Advisory Commission on Intergovernmental Relations to study local government drug funds and make recommendations on appropriate use of, accounting for and appropriations of local drug fund moneys. by \*Rinks.

Finance, Ways & Means Committee

**House Joint Resolution No. 525** -- Memorials, Congress - Urges adequate funding of department of energy environmental management program for Oak Ridge reservation for federal fiscal year 1997. by \*Coffey.

Finance, Ways & Means Committee

### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 11, 1996:

**House Resolution No. 209** -- Memorials, Professional Achievement - Jarnigan and Son Mortuary, 110th anniversary. by \*Ritchie.

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

**House Resolution No. 210** -- Memorials, Professional Achievement - Patricia Martin Mills, South Tipton Chamber of Commerce Teacher of the Year. by \*Naifeh.

**House Joint Resolution No. 527** -- Memorials, Public Service - Ralph Lindsey. by \*Clabough, \*Kerr.

**House Joint Resolution No. 529** -- Memorials, Retirement - Kathy Coatney Mays. by \*Walley.

**House Joint Resolution No. 534** -- Memorials, Recognition and Thanks - Dr. L. Paul Sands, Columbia State Community College. by \*Napier, \*White, \*Callicott, \*Fowlkes, \*Jackson.

**House Joint Resolution No. 535** -- Memorials, Sports - 1995-1996 Bartlett High School boys' basketball team. by \*Byrd.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 11, 1996:

**Senate Joint Resolution No. 427** -- Memorials, Public Service - Tennessee Conservation League, 50th Anniversary. by \*Henry, \*Cohen, \*Gilbert, \*Kyle.

**Senate Joint Resolution No. 428** -- Memorials, Sports - 1995-1996 William James Junior High School girls' basketball team. by \*Springer.

**Senate Joint Resolution No. 429** -- Memorials, Interns - Keith Bowers. by \*Koella, \*Cooper.

**Senate Joint Resolution No. 430** -- Memorials, Interns - Elizabeth Millsaps. by \*Koella, \*Cooper.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**Senate Joint Resolution No. 431** -- Naming and Designating - "Ross Bass Day" in Tennessee, April 22, 1996. by \*Cooper, \*Kyle, \*Dixon.

State & Local Government Committee



**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 3301** -- Hamblen County - Subject to local approval, revises requirements for road commission; provides for election of road superintendent by popular vote in regular August election. Amends Chapter 313 of the Private Acts of 1949; as amended. by \*Ford S.

**House Bill No. 3302** -- Kingston - Subject to local approval, amends charter to hold municipal election on date that coincides with elections for other municipalities in county. Amends Chapter 328 of the Acts of 1903. by \*Cantrell.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 2496** -- Taxes, Real Property - Permits county or municipality to estimate general level of local assessment changes if taxes become due prior to disposition of appeals. Amends TCA Title 67, Chapter 5. by \*Ford J.

**\*Senate Bill No. 3176** -- Children - Creates department of children's services. Amends TCA Title 4, Title 7, Title 8, Title 10, Title 16, Title 33, Title 34, Title 36, Title 37, Title 38, Title 39, Title 40, Title 41, Title 49, Title 66, Title 68, and Title 71. by \*Person, \*Elsea, \*Atchley, \*Jordan, \*Ford J, \*Gilbert, \*Fowler, \*Miller J.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 3288** -- Kingsport -- Local Bill Held on House Desk

**House Bill No. 3289** -- School Districts, Special -- Local Bill Held on House Desk

**House Bill No. 3290** -- School Districts, Special -- Local Bill Held on House Desk

**House Bill No. 3291** -- Clarksville -- Local Bill Held on House Desk

**House Bill No. 3292** -- Wilson County -- Local Bill Held on House Desk

**House Bill No. 3293** -- Bolivar -- Local Bill Held on House Desk

**House Bill No. 3295** -- Greene County -- Local Bill Held on House Desk

**House Bill No. 3296** -- Greeneville -- Local Bill Held on House Desk

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

**House Bill No. 3297** -- Greeneville -- Local Bill Held on House Desk

**House Bill No. 3298** -- Columbia -- Local Bill Held on House Desk

**CONSENT CALENDAR**

**\*Senate Joint Resolution No. 184** -- Memorials, Congress - Urges authorization for states to act with respect to flow control under interstate commerce clause. by \*Gilbert, \*Crowe.

**House Joint Resolution No. 469** -- General Assembly, Confirmation of Appointment - Charles Robert Cunningham, State Forestry Commission. by \*Curtiss.

**House Joint Resolution No. 378** -- Naming and Designating - Sisters' Day, August 2, 1996. by \*Churney.

**House Joint Resolution No. 463** -- Memorials, Congress - Urges that states be afforded greater latitude and control in issuance of waivers for farmers from federal commercial driver license requirements. by \*Patton.

**House Bill No. 2417** -- Motor Vehicles, Titling and Registration - Authorizes issuance of special license plates for Tennessee Home Education Association. Amends TCA Title 55, Chapter 4. by \*Fitzhugh. (\*SB2468 by \*Leatherwood)

**\*House Joint Resolution No. 437** -- Naming and Designating - "Lt. Governor John S. Wilder State Golf Course," Chickasaw State Park. by \*Walley, \*Naifeh, \*Rinks.

**House Joint Resolution No. 512** -- Memorials, Recognition and Thanks - Bruce Foster. by \*Cantrell.

**House Joint Resolution No. 514** -- Memorials, Sports - 1995-1996 University School of Jackson girls' basketball team. by \*Kisber.

**House Joint Resolution No. 515** -- Memorials, Personal Occasion - Daniel Henry Brackman. by \*Bragg.

**House Joint Resolution No. 516** -- Memorials, Professional Achievement - Susan Hall, Metro Teacher of the Year. by \*West.

**House Joint Resolution No. 517** -- Memorials, Interns - Milessa Pendleton. by \*Bragg.

**House Joint Resolution No. 518** -- Memorials, Interns - Miller Sherling. by \*Kisber.

**House Joint Resolution No. 519** -- Memorials, Death - Ernest C. Withers, Sr. by \*Jones R (Shelby), \*DeBerry J, \*Turner (Shelby), \*Brooks, \*Miller L, \*Towns, \*Jones U (Shelby), \*Bowers, \*Langster.

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

**House Resolution No. 203** -- Memorials, Academic Achievement - Amanda Lee Bannister. by \*Williams (Union).

**House Bill No. 2101** -- Hospitals and Health Care Facilities - Includes Warren County in pilot program that reimburses licensed residential homes for mentally ill. Amends TCA Section 12-4-330. by \*Rhinehart. (\*SB2110 by \*Cooper)

**House Joint Resolution No. 438** -- Naming and Designating - "Shriners' Week in Tennessee," May 13-19, 1996. by \*Westmoreland.

**\*House Joint Resolution No. 458** -- Highway Signs - "Murrell O. Carter Memorial Bridge," Holston River, Hawkins County, by \*Givens.

**House Bill No. 524** -- Insurance, Health, Accident - Permits managed care organizations in commercial plans to obtain stop-loss coverage. Amends TCA 56-2-201. by \*Hassell. (\*SB378 by \*Kyle)

On motion, House Bill No. 524 was made to conform with **Senate Bill No. 378**; the Senate Bill was substituted for the House Bill.

**Senate Joint Resolution No. 345** -- Naming and Designating - "Legislative Cancer Awareness Day," March 26, 1996. by \*O'Brien, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

**\*House Bill No. 1973** -- Mental Health and Mental Retardation, Dept. of - Adds Lincoln County to counties participating in pilot program to reimburse licensed supportive living facilities for mentally ill. Amends TCA Title 12, Chapter 4, Part 3. by \*Phillips. (SB2049 by \*Cooper)

**House Bill No. 2393** -- Hospitals and Health Care Facilities - Adds Fentress County to list of counties participating in pilot program to reimburse licensed residential homes for the aged. Amends TCA Title 12, Chapter 4, Part 3. by \*Windle. (\*SB2295 by \*O'Brien)

**\*House Joint Resolution No. 403** -- General Assembly, Studies - Continues special joint committee established by HJR 248 to study titling and registration of motor vehicles and to urge department of safety to proceed with computerization of titling process. by \*Odom.

**\*House Resolution No. 156** -- General Assembly, Studies - Continues special house committee to examine historical and present roles of African Americans in development of public policy and planning relative to inner city economic development. by \*Brooks, \*Armstrong, \*Brown, \*Turner (Shelby), \*Jones R (Shelby), \*Pruitt, \*Langster, \*DeBerry L, \*Bowers.

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

**\*Senate Joint Resolution No. 284** -- General Assembly, Studies - Continues commission created by HJR 223 to study Uniform Probate Code and to recommend revisions to existing probate laws. by \*Kyle, \*Fowler.

**\*Senate Joint Resolution No. 313** -- General Assembly, Studies - Extends, from February 1, 1996 to February 1, 1997, reporting date of special joint committee to study transfer of social service programs via utilization of federal block grants. by \*Dixon, \*Burks.

**Senate Joint Resolution No. 426** -- Naming and Designating - National Drug Abuse Resistance Education (D.A.R.E.) Day, April 11, 1996. by \*Burks.

**House Resolution No. 202** -- Memorials, Public Service - Douglas F. Crosier. by \*Callicott.

**House Bill No. 3283** -- Monroe County - Subject to local approval, establishes county permit fee. Amends Chapter 82, Private Acts of 1965, as amended. by \*Gunnels, \*McKee. (SB3290 by \*Miller J)

**House Bill No. 3284** -- Gallatin - Subject to local approval, changes time for city election from December to regular November election. Amends Chapter 67 of the Private Acts of 1953, as amended. by \*Stamps. (SB3273 by \*Wright)

**House Bill No. 2181** -- Franklin - Subject to local approval, authorizes levy of hotel/motel tax. by \*Williams (Williamson), \*Callicott. (\*SB2164 by \*Jordan)

**House Resolution No. 205** -- Memorials, Personal Occasion - Mr. and Mrs. D.B. Fuller, Sr., 50th Wedding Anniversary. by \*Langster, \*Jones, S., \*Pruitt, \*Halteman Harwell, \*West, \*DeBerry L, \*Odom, \*Arriola, \*Purcell, \*Armstrong.

**House Resolution No. 206** -- Memorials, Interns - Whitney Weber. by \*Boyer.

**House Resolution No. 207** -- Memorials, Professional Achievement - Reverend and Mrs. JD Jameson. by \*Brooks.

**House Joint Resolution No. 521** -- Memorials, Personal Achievement - Stacy Lynn Modrell, 1996 Miss McNairy County. by \*Rinks.

**House Joint Resolution No. 522** -- Memorials, Sports - 1995-1996 McNairy Central High School boys' basketball team. by \*Rinks.

**House Joint Resolution No. 524** -- Memorials, Sports - 1995-1996 Bradford High School girls' basketball team, TSSAA Class A state champions. by \*Phelan, \*Pinion.

**House Joint Resolution No. 526** -- Memorials, Death - Alex Fancher, Jr. by \*Davis, \*Whitson, \*Roach.

Rep. Patton moved that all members voting aye on **House Joint Resolution No. 463** be added as prime sponsors, which motion prevailed.

Rep. Westmoreland moved that all members voting aye on **House Joint Resolution No. 438** be added as prime sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	94
Noes .....	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Bird -- 1.

A motion to reconsider was tabled.

#### REGULAR CALENDAR

Rep. Purcell moved that Senate Joint Resolution No. 347 be moved from the heel of today's Calendar to the first of today's Calendar, which motion prevailed.

#### REGULAR CALENDAR, CONTINUED

**\*Senate Joint Resolution No. 347** -- General Assembly, Confirmation of Appointment - Melvin Joel Malone, Tennessee Regulatory Authority. by \*Wildier, \*Crutchfield, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Dixon, \*Elsa, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Springer, \*Wallace, \*Womack, \*Wright.

Rep. Jones R (Shelby) moved that the House concur in **Senate Joint Resolution No. 347**, which motion prevailed by the following vote:

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

Ayes.....96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 3049** -- Election Laws - Prohibits contesting candidate's nominating petition once county election commission has certified all signatures and accepted petition. Amends TCA Title 2, Chapter 5. by \*Jones U (Shelby), \*Brooks. (\*SB2750 by \*Dixon)

Further consideration of House Bill No. 3049, previously considered on March 4, 1996, March 11, 1996 and March 18, 1996, and reset to today's Calendar.

Rep. Jones U(Shelby) moved that House Bill No. 3049 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

**House Bill No. 1031** -- Banks and Financial Institutions - Establishes general powers of banks as those powers listed under Tennessee Business Corporation Act. Amends TCA Title 45. by \*Rhinehart, \*Rigsby, \*Whitson. (\*SB1126 by \*Cooper)

Further consideration of House Bill No. 1031, previously considered on March 21, 1996 and March 27, 1996, and reset to today's Calendar.

Rep. Rhinehart moved that House Bill No(s). 1031 be reset to the Regular Calendar for April 17, 1996, which motion prevailed.

**\*Senate Bill No. 1563** -- Guardianship - Changes from 18 to 21 age at which guardianship of minor terminates unless person for whom guardian was appointed shows good cause to court why guardianship should terminate earlier than 21. Amends TCA Title 34. by \*Kyle. (HB1328 by \*Buck)

Further consideration of Senate Bill No. 1563, previously considered on March 28, 1996, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment(s) No(s). 1 and 2. The Senate Bill was further considered on April 1, 1996, at which time the House adopted Amendment No. 3, and reset to today's Calendar.

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

Rep. Buck requested that Senate Bill No. 1563 be moved down 5 places on the Calendar.

**Senate Bill No. 2495** -- Handicapped Persons - Expands exemption under public property definition where visually impaired persons have priority in operation of vending facilities to include higher education institutions Amends TCA Section 71-4-502(4). by \*Rochelle, \*Ford J. (\*HB2234 by \*Rhinehart, \*Davidson, \*Hargrove)

Further consideration of Senate Bill No. 2495, previously considered on March 25, 1996, at which time the Senate Bill was substituted for the House Bill, failed to receive a constitutional majority and was re-referred to the Committee on Calendar and Rules, and reset to today's Calendar.

Rep. Rhinehart moved that Senate Bill No. 2495 be passed on third and final consideration.

Rep. Coffey moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2495 by adding the following language at the end of Section 1:

Moreover, the existing priority shall extend to any new structures on any of the campuses governed by the University of Tennessee or the State University and Community College System and the priority shall also extend to the establishment of at least one (1) vending facility on any new campus which is developed either by the University of Tennessee System or the State University and Community College System.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that **Senate Bill No. 2495**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

(Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 2410** -- Insurance, Health, Accident - Establishes certain minimum levels of coverage to be provided by insurers who offer maternity benefits for mothers and their newborn infants; prohibits certain retaliatory actions by insurers. Amends TCA Title 56, Chapter 7, Part 23. by \*Chumney, \*Purcell, \*Turner (Hamilton), \*Eckles, \*Brown, \*Brooks, \*Phelan, \*Givens, \*Cole (Dyer). (SB2722 by \*Kyle)

Rep. Chumney moved that **House Bill No. 2410** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 87  
Noes ..... 7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bowers, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Bittle, Boyer, Burchett, Coffey, Davis, McDaniel, Wood -- 7.

A motion to reconsider was tabled.

**House Bill No. 2534** -- Charitable Solicitations - Increases exemption threshold from \$5,000 to \$25,000 that charitable organization can raise and be exempt; increases renewal fees for larger organizations. Amends TCA Title 48, Chapter 101, Part 5. by \*Kisber. (\*SB2846 by \*Womack, \*Haynes)

Rep. Kisber moved that House Bill No. 2534 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:  
**Amendment No. 1**

AMEND House Bill No. 2534 by deleting all language following the enacting clause and substituting instead the following:



SECTION 1. Tennessee Code Annotated, Section 48-101-501(6) is amended by deleting the first sentence of that subsection in its entirety and substituting instead the following language:

(6) "Professional Fund Raising Counsel" means any person who, for compensation, plans, manages, advises, consults or prepares material for a charitable organization for the solicitation of contributions in this state, but who does not solicit contributions and does not employ, procure, or engage any person to solicit contributions on behalf of a charitable organization.

SECTION 2. Tennessee Code Annotated, Section 48-101-501(11) is amended by deleting the words "professional solicitor" and substituting instead the word "vendor".

SECTION 3. Tennessee Code Annotated, Section 48-101-501(12) is amended by deleting the language "by means of an agreement with a charitable organization" and adding the language "or that a portion of the sales will be used for a charitable purpose" to the end of the first sentence."

SECTION 4. Tennessee Code Annotated, Section 48-101-502(a)(2) is amended by deleting the words and figures "five thousand dollars (\$5,000)" each place that they appear and substituting instead the words and figures "twenty-five thousand dollars (\$25,000)".

SECTION 5. Tennessee Code Annotated, Section 48-101-502(d) is amended by deleting the subsection in its entirety and substituting instead the following language:

(d) Any charitable organization which claims to be exempt from the registration provisions of this Act and which intends to or does solicit charitable contributions shall submit, to the secretary of state, a statement of the name, address and purpose of the organization and a statement setting forth the reason for the claim for exemption. This statement shall be on a form prescribed by the secretary of state and shall be sworn to or affirmed by the principal officer of the charitable organization. No registration fee shall be required of any exempt charitable organization.

SECTION 6. Tennessee Code Annotated, Section 48-101-504 is amended by deleting the section in its entirety and substituting instead the following new language:

**48-101-504. Filing of registration statement- initial registration - Fee.** - (a) Every charitable organization which intends to solicit contributions from or within this state, or have funds solicited on its behalf, shall, prior to any solicitation, file a registration statement with the secretary of state, upon forms prescribed by the secretary of state. Any registration statement which contains false,

misleading, deceptive or incomplete information or documentation shall not be considered sufficient, except as specifically otherwise provided in this part.

The initial registration statement shall contain the following information:

- (1) The name of the organization and the purpose for which it was organized;
- (2) The principal address of the organization and the address of any offices in this state. If the organization does not maintain an office, the name and address of the person having custody of its financial records;
- (3) The names and addresses of any chapters, branches or affiliates in this state;
- (4) The place where, and the date when, the organization was legally established, the form of its organization, and a reference to any determination of its tax exempt status under the Internal Revenue Code;
- (5) The names and addresses of the officers, directors, trustees and the principal salaried executive staff officer;
- (6) A statement as to whether the organization intends to solicit contributions from the public directly or have such done on its behalf by others and submit a true copy of any contract or agreement with any professional solicitor, fundraising counsel, or any other person who is directly or indirectly involved with the solicitation of contributions;
- (7) A statement as to whether the organization is authorized by any other governmental authority to solicit contributions and whether it is or has ever been enjoined by any court from soliciting contributions;
- (8) The general purpose or purposes for which the contributions to be solicited shall be used;
- (9) The name or names under which it intends to solicit contributions;
- (10) The names of the individuals or officers of the organization who will have final responsibility for the custody of the contributions;

(11) The names of the individuals or officers of the organization responsible for the final distribution of the contributions; and

(12) A statement as to whether any officer, director, manager, operator, or principal of the charitable organization has been the subject of an injunction, judgment, or administrative order or has been convicted of a felony.

(b) Except as otherwise herein provided, the registration forms and any other documents prescribed by the secretary of state shall be signed by two authorized officers of the charitable organization, and such forms and documents shall be verified under oath and shall be accompanied by an initial registration fee of fifty dollars (\$50.00).

(c) During its first year of operation, a newly registered charitable organization shall provide quarterly financial reports, due within thirty (30) days after the end of each quarter of its current fiscal year, containing the following information:

(1). The gross amount of contributions received;

(2). The amount of contributions disbursed or to be disbursed to each charitable organization or charitable purpose represented;

(3). The aggregate amounts paid to any professional solicitor and /or fund raising counsel; and

(4). The amounts spent for overhead, expenses, commissions and similar purposes.

(d) "Every charitable organization required to register pursuant to this part, having completed a fiscal year of operation, shall file with the secretary of state a financial report for its most recently completed fiscal year, in accordance with Tennessee Code Annotated, Section 48-101-506(b)(1) and (2) or (3)."

(e) Any organization which has applied for but not received a determination of tax exempt status shall file a copy of the completed application which has been submitted to the Internal Revenue Service and any letters received from the Internal Revenue Service acknowledging receipt of the application.

SECTION 7. Tennessee Code Annotated 48-101-506 is amended as follows:

1. Adding the words "Withdrawal of Registration" to the section caption.

2. Deleting subsection (b) in its entirety and substituting instead the following language:

(b) A renewal of registration shall be made in the same manner as the initial registration. The renewal registration shall be accompanied by the following:

(1)(A) A copy of a financial statement on forms approved by the secretary of state. Such report shall also specifically identify the amount of funds raised and all costs and expenses incidental thereto, all publicity costs, and costs of allocation or disbursement of funds raised. This report shall be signed by at least two (2) authorized officers of the organization, one of whom shall be the chief fiscal officer. Such officers shall certify that such report is true and correct to the best of their knowledge;

(B) The secretary of state may accept, under such conditions as he may prescribe, a copy or duplicate original of any and all forms required to be filed by the organization with the United States Internal Revenue Service and shall require, by regulation, such other information and documentation as the secretary of state may deem appropriate to describe how funds were raised and spent to substantiate the figures on the reported return, including an accountant's statement and proof that the return submitted to the secretary of state was in fact filed with the United States Internal Revenue Service;

(2) The annual report of every charitable organization which received excess of one hundred thousand dollars (\$100,000.00) in gross revenue during its most recently completed fiscal year shall be accompanied by an audited financial statement presented in accordance with generally accepted accounting principles which has been examined by an independent certified public accountant for the purpose of expressing an opinion thereon;

(3) The annual report of every charitable organization receiving more than twenty-five thousand dollars (\$25,000) but less than one hundred thousand dollars (\$100,000) shall be filed in accordance with subsection (1)(A) above and shall be accompanied by any and all of the forms required to be filed by a charitable organization with the United States Internal Revenue Service. At the request of the secretary of

state, the organization shall submit an audited financial statement presented in accordance with generally accepted accounting principles which has been examined by an independent certified public accountant.

3. Deleting subsection (c) and substituting instead the following language:

(c) The registration renewal statement shall be signed by two authorized officers of the charitable organization, one of whom shall be the chief fiscal officer, and such forms and documents shall be verified under oath and shall be accompanied by a registration renewal fee in accordance with the following schedule:

Organization's Gross Revenue		Annual Filing Fee	
\$0	-	\$48,999.99	\$100.00
\$49,000.00	-	\$99,999.99	\$150.00
\$100,000.00	-	\$249,999.99	\$200.00
\$250,000.00	-	\$499,999.99	\$250.00
\$500,000.00	-	ABOVE	\$300.00

For purposes of this subsection, "organization's gross revenue" means the latest figures for annual gross revenue from whatever source reported by the organization to the secretary of state pursuant to subsection (b).

4. Adding the following new language to be subsections (d), (e), (f), and (g), respectively:

(d) Each charitable organization shall file all information required by this part with the secretary of state within six (6) months of the close of its fiscal year. The last day of the sixth month following the month in which the fiscal year of the organization ends shall be the anniversary date of the organization. All registrations shall expire each year on the anniversary date of the organization. Each annual registration application shall be received by the secretary of state on or before the anniversary date. Each charitable organization shall be required to supplement its registration application during the registration period as changes occur which affect the documentation required by §48-101-504(a).

(e) Applications received after the expiration of the current registration period shall be assessed a late fee of twenty-five dollars (\$25.00) for each month, or portion

thereof that the report is late filed. The late filing fee shall accompany every late filed application. In addition to the late fee provided for herein any organization which files a late application is also subject to the imposition of civil penalties for violation of any portion of this Act.

(f) Any person that intends to continue to solicit contributions after its anniversary date and fails to renew its registration or exemption by the time of the expiration thereof or fails to request an extension in accordance with subsection (e) above is in violation of this part.

(g) Any person that ceases solicitation activities after registration must notify the secretary of state of such fact within thirty (30) days after solicitation activities end. Within ninety (90) days after the end of the solicitation activities or ninety (90) days after its fiscal year ends, said person shall file with the secretary financial documentation, pursuant to subsection (b) above."

SECTION 8. Tennessee Code Annotated, Section 48-101-508 is amended by deleting subsection (a) in its entirety and substituting instead the following language:

(a) Any applicant who is denied approval of registration or exemption may have a reconsideration of its denial by the secretary of state within ten (10) days from the date of notification of such denial. Within twenty (20) days from the date of notification of such denial after reconsideration, the aggrieved party may request, in writing, a hearing before the secretary of state. Said hearing shall be held within a reasonable time from the date of the request, unless the applicant requests a longer period in writing. Hearings shall be held in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 9. Tennessee Code Annotated, Section 48-101-512 is amended as follows:

1. Designating the current provision to be subsection (a).
2. Adding the following language as subsection (b):

(b) On every printed solicitation or written confirmation, receipt and reminder of a contribution, the following statement must be conspicuously printed verbatim:

The official registration and financial information of (insert the legal name of the charity as registered with the department) may be obtained from the

Secretary of State of Tennessee by calling 000-000-0000 (toll free number). Registration does not imply endorsement.

SECTION 10. Tennessee Code Annotated, Section 48-101-521(a)(1) is amended by adding the following language "or for any charitable purpose" after the words "on behalf of a charitable organization" and by adding the following language before the language "For registration information regarding this vendor": "Tennessee Vendor Registration #\_\_\_\_\_.

SECTION 11. This act shall take effect on July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2534 by deleting the language of Section 4 in its entirety and substituting instead the following new Section 4:

SECTION 4. Tennessee Code Annotated, Section 48-101-502(a)(2), is amended by deleting the words and figures "five thousand dollars (\$5,000)" each place that they appear and substituting instead the words and figures "thirty thousand dollars (\$30,000)".

On motion, Amendment No.2 was adopted.

Rep. Kisber moved that **House Bill No. 2534**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

**House Bill No. 1505** -- DUI/DWI Offenses - Requires impoundment of vehicle used to commit second DUI for period of 28 days. Amends TCA Title 55, Chapter 10, Part 4. by \*Windle. (\*SB4 by \*Burks, \*Miller J)

Rep. Windle moved that House Bill No. 1505 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1505 by adding the following to the end of subsection ( ) (2) of the amendatory language of SECTION 1:

Such period of impoundment shall not commence until the person convicted of violating Tennessee Code Annotated, Section 55-10-401, has fully served any period of incarceration imposed by the court for such violation.

On motion, Amendment No. 1 was adopted.

Rep. Windle moved that House Bill No(s). 1505 be reset to the Regular Calendar for April 11, 1996, which motion prevailed.

**House Bill No. 2539** -- Boats, Boating - Regulates use of personal watercraft on Tennessee waters. Amends TCA Title 69, Chapter 10. by \*Cantrell, \*Newton, \*Kerr, \*Westmoreland, \*McKee, \*Hassell, \*Callicott, \*Stamps, \*Walley. (\*SB2037 by \*O'Brien)

Rep. Cantrell moved that House Bill No. 2539 be passed on third and final consideration.

Rep. Napier moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2539 by adding the following language at the end of subsection (e) of the amendatory section in Section 1:

Provided, however, that a person under the age of twelve (12) may operate a personal watercraft on the waters of this state if a person eighteen (18) years of age or older is also in such personal watercraft and supervising the operation of such craft by such person.

On motion, Amendment No. 1 was adopted.

Rep. Cantrell moved adoption of Amendment No. 2 as follows:



**Amendment No. 2**

AMEND House Bill No. 2539 by deleting the words "and the wake " at the end of the third sentence of subsection (d) of Section 1 and by substituting instead the words "and jumping the wake".

On motion, Amendment No. 2 was adopted.

Rep. Cantrell requested that House Bill No. 2539 be moved to the heel of the Calendar.

**\*Senate Bill No. 1563** -- Guardianship - Changes from 18 to 21 age at which guardianship of minor terminates unless person for whom guardian was appointed shows good cause to court why guardianship should terminate earlier than 21. Amends TCA Title 34, by \*Kyle. (HB1328 by \*Buck)

Further consideration of Senate Bill No. 1563, previously considered on today's Calendar.

Rep. Buck moved that Senate Bill No. 1563, as amended, be passed on third and final consideration.

Rep. Buck moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 1563 by deleting subdivisions (1), (2), and (3) from Section 1(b) and substituting instead the following:

(1) When the minor for whom a guardian of the estate of the minor is serving attains the age of eighteen (18) years, such guardianship shall terminate.

(2) Any interested person, including but not limited to the guardian of the estate of the minor, may not more than ninety (90) days before the minor attains the age of eighteen (18) years and not later than the filing of the preliminary final accounting, petition the court to continue the guardianship for a period of time not to extend beyond the person's twenty-fifth (25th) birthday. The clerk shall serve a copy of the petition on the minor or show that the minor has actual notice of the filing of the petition.

(3) The burden of demonstrating why the guardianship of the estate of such person should continue shall be on the person seeking the continuation of the guardianship. In determining whether to terminate the guardianship, the court shall consider whether the termination is in the best interest of the person, and the court shall consider the ability of the person to wisely manage and control the property irrespective of whether special needs exist. If the court so finds, the court shall continue the guardianship

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

for a longer period of time not to extend beyond the person's twenty-fifth (25th) birthday. Provided, however, the court may permit either the payment of a portion of the estate or the establishment of a distribution schedule upon request of any party.

On motion, Amendment No. 4 was adopted.

Rep. Buck moved that **Senate Bill No. 1563**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	52
Noes .....	35
Present and not voting.....	6

Representatives voting aye were: Armstrong, Bell, Bird, Boyer, Buck, Byrd, Cantrell, Coffey, Cross, Curtiss, Davis, DeBerry, J., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Herron, Hicks, Jackson, Jones, R. (Shelby), Joyce, Kent, McAfee, McDonald, McMillan, Miller, Napier, Patton, Phillips, Pinion, Rhinehart, Ridgeway, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, White, Whitson, Williams (Union) -- 52.

Representatives voting no were: Arriola, Beavers, Bittle, Bowers, Bragg, Burchett, Callicott, Chumney, Clabough, Cole (Dyer), Davidson, DeBerry, L., Givens, Hassell, Head, Jones, S., Kernell, Kerr, Kisber, Lewis, McDaniel, McKee, Newton, Phelan, Pruitt, Purcell, Ramsey, Rigsby, Rinks, Shirley, Towns, Walley, Williams (Williamson), Wood, Mr. Speaker Naifeh -- 35.

Representatives present and not voting were: Brooks, Brown, Eckles, Langster, Windle, Winningham -- 6.

A motion to reconsider was tabled.

**House Bill No. 917** -- Credit Unions - Extends period for giving notice of meeting to dissolve credit union, from 20 to 30 days. Amends TCA Title 45. by \*Rhinehart. (\*SB1118 by \*Cooper)

Rep. Rhinehart moved that House Bill No. 917 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 917 by deleting Sections 1 and 2 in their entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Title 45, is amended by adding as a new section the following:

(a) An agreement to share electronic terminals or participate in a shared electronic network shall not prohibit, limit, or restrict the right of a financial institution to charge a usage fee for use of its electronic terminals, require a financial institution to limit or waive its rights or obligations under this section, or require the financial institution to otherwise distinguish or discriminate on classes or types of transactions. The provisions of this section shall not limit or restrict any other fee which a financial institution may impose on its customers pursuant to any deposit, lending, or other written agreement which it has with a customer, or to any other transaction where a customer has no written agreement, but which a customer has notice of any fee.

(b) A financial institution may impose and collect a usage fee on a foreign access card; provided, the usage fee may only be charged if the imposition of the fee is disclosed at a time and in a manner that allows the user to terminate or cancel the transaction without incurring the usage fee.

(c) As used in this section, unless the context otherwise requires:

(1) "Electronic terminal" means an electronic device through which a person may initiate an electronic fund transfer to access the person's deposit, share, or other accounts or credit facility, and includes, but is not limited to, automated teller machines, cash dispensing machines, point of sale terminals, or other cash, debit, stored value, script, or cash equivalent device.

(2) "Financial institution" shall mean a state or national bank, savings and loan association, savings bank, or credit union which owns or operates an electronic terminal.

(3) "Foreign access card" means any card or other device eligible for use in an electronic terminal where such foreign access card is not issued to the user by the owner or operator of the electronic terminal.

(4) "Shared electronic network" means any system by which a person may initiate any financial transaction from an electronic terminal owned or operated by any person other than a financial institution with whom the person has a deposit, share, or other account or credit facility.

(5) "Usage fee" is any fee charged by the owner or operator of an electronic terminal on transactions by a holder of a foreign access card.

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

Section 2. The commissioner of the Department of Financial Institutions is authorized to promulgate rules and regulations to effectuate the purposes of this act.

Section 3. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Boyer moved the previous question, which motion failed by the following vote:

Ayes .....	45
Noes .....	36
Present and not voting .....	3

Representatives voting aye were: Armstrong, Arriola, Bell, Bird, Bittle, Boyer, Buck, Burchett, Cantrell, Clabough, Cole (Dyer), Curtiss, Davis, Duer, Eckles, Fitzhugh, Ford, Gunnels, Halteman Harwell, Hassell, Herron, Hicks, Huskey, Kent, Kerr, Lewis, McDaniel, McKee, Newton, Phelan, Phillips, Pinion, Pruitt, Rigsby, Rinks, Ritchie, Roach, Sharp, Stamps, Stulce, Tindell, Venable, Whitson, Windle, Winningham -- 45.

Representatives voting no were: Beavers, Bowers, Bragg, Byrd, Callicott, Chumney, Coffey, Davidson, DeBerry, J., DeBerry, L., Dunn, Fowlkes, Haley, Hargrove, Head, Jones, R. (Shelby), Jones, S., Joyce, Kisber, McAfee, McDonald, McMillan, Miller, Odom, Patton, Purcell, Ramsey, Robinson, Shirley, Towns, Turner (Shelby), Westmoreland, White, Williams (Union), Williams (Williamson), Wood -- 36.

Representatives present and not voting were: Brown, Kernell, West -- 3.

Rep. Rhinehart moved that House Bill No(s). 917 be reset to the Regular Calendar for April 11, 1996, which motion prevailed.

**House Bill No. 2051** -- Education - Requires compliance with state rules, policies and procedures only in school systems in which state pays at least 50 percent of total system budget Amends TCA Title 49, Chapter 1; Title 49, Chapter 2 and Title 49, Chapter 6. by \*Stulce. (\*SB1946 by \*Crutchfield)

Rep. Stulce moved that House Bill No. 2051 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2051 by deleting Section 1 in its entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Title 49, Chapter 1, is amended by adding the following new section:

Section \_\_\_\_\_. Notwithstanding any provision of law to the contrary, compliance with rules, regulations, standards, administrative procedures, policies and guidelines that are enacted or established after the effective date of this legislation by the state board of education or by the department of education that require increased expenditures to implement is not required in any school system unless state funding is provided through the basic education program formula established in Title 49, Chapter 3, Part 3, to implement such rules, regulations, standards, administrative procedures, policies and guidelines.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

**REGULAR CALENDAR, CONTINUED**

On motion, Amendment No. 1 was adopted.

Rep. Stulce moved that House Bill No(s). 2051 be reset to the Regular Calendar for April 22, 1996, which motion prevailed.

**House Bill No. 2536** -- Taxes, Sales - Exempts parts used to repair motor vehicles used by common or contract carriers in interstate or foreign commerce. Amends TCA Title 67, Chapter 6, Part 3 and Section 67-6-313. by \*Kisber. (\*SB2208 by \*Rochelle)

Rep. Kisber moved that House Bill No. 2536 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2536 by deleting Section 1 of the printed bill and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-6-313, is amended by adding the following new subsection:

( ) There is exempt from the sales and use tax the sale of all repair parts, accessories, materials and supplies to a common carrier for use on the purchasing carrier's freight motor vehicles with a maximum gross weight rating classification of Class One (1) or above under Section 55-4-113, or trailers, semi-trailers and pole trailers, as

defined in Sections 55-1-105 and 55-4-113, and which are shipped via the purchasing carrier under a bill of lading and transported to a destination outside of this state for use outside this state, where the seller and the purchasing carrier are affiliated with one another such that: (1) either corporation directly owns or controls one hundred percent (100%) of the capital stock of the other corporation; or (2) one hundred percent (100%) of the capital stock of both corporations is directly owned or controlled by a common parent.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 2536**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Shirley -- 1.

A motion to reconsider was tabled.

**House Bill No. 2201** -- Highways, Roads and Bridges - Includes segment of S.R. 169 (Middlebrook Road) in Knox County in scenic highway system. Amends TCA Title 54, Chapter 17. by \*Burchett. (\*SB2234 by \*Gilbert)

On motion, House Bill No. 2201 was made to conform with **Senate Bill No. 2234**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 2234, be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. McAfee moved the previous question, which motion prevailed.

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

Rep. Burchett moved that **Senate Bill No. 2234** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 1953** -- Surveyors - Exempts surveyors over 65 from continuing education requirements. Amends TCA Section 62-18-106. by \*Lewis. (SB1968 by \*Cooper)

On motion, House Bill No. 1953 was made to conform with **Senate Bill No. 1968**; the Senate Bill was substituted for the House Bill.

Rep. Lewis moved that Senate Bill No. 1968, be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Haley moved the previous question, which motion prevailed.

Rep. Lewis moved that **Senate Bill No. 1968** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	86
Noes .....	7
Present and not voting .....	2

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bowers, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Phelan, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Bittle, Boyer, Coffey, Herron, Kerr, Phillips, Westmoreland -- 7.

Representatives present and not voting were: Fowlkes, Head -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 2893** -- Aged Persons - Establishes respite care program in Gibson County. by \*Phelan, \*Pinion. (SB3024 by \*Carter)

On motion, House Bill No. 2893 was made to conform with **Senate Bill No. 3024**; the Senate Bill was substituted for the House Bill.

Rep. Phelan moved that Senate Bill No. 3024, be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:  
**Amendment No. 1**

AMEND Senate Bill No. 3024 by deleting Section 2 in its entirety, and by renumbering the subsequent sections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Rinks moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 3024 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall also apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:



MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY

not less than

nor more than

10,471	10,800
22,200	22,500
22,600	23,000
12,700	13,000
23,300	23,400
25,300	25,600
13,375	13,600
34,850	35,000

Rep. Head moved that Amendment No. 2 be tabled, which motion was immediately withdrawn.

Rep. Rinks moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Phelan moved that **Senate Bill No. 3024**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 3201** -- Consumer Protection - Revises provisions relative to health clubs. Amends TCA Title 47, Chapter 18. by \*Williams (Williams), \*Halteman Harwell. (\*SB3192 by \*Wallace, \*Haun)

Rep. Williams (Williamson) moved that House Bill No. 3201 be passed on third and final consideration.

Rep. Armstrong requested that House Amendment No. 1 be moved to the heel of the Amendments.

Rep. Armstrong moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 3201 by deleting everything which follows the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 47-18-301 (3)(A), is amended by deleting the subsection in its entirety and substituting instead the following language:

(A) "Health club" means any enterprise, however styled, which offers on a regular, full-time basis, and pursuant to a health club agreement, services or facilities for the development of preservation of physical fitness through exercise, weight control or athletics.

SECTION 2. Tennessee Code Annotated, Section 47-18-301(4), is amended by deleting this section in its entirety and by substituting instead the following: "Health club agreement" means an agreement whereby a buyer purchases, or is obligated to purchase, any right to use health club facilities or services; and such services or facilities are for personal, family, employee, or household use; and

SECTION 3. Tennessee Code Annotated, Section 47-18-303(2), is amended by deleting the word "and" and substituting instead the words "or fails to".

SECTION 4. Tennessee Code Annotated, Section 47-18-305, is amended by adding the following language as new subsections to be designated as (c) and (d):

(c) It shall be unlawful for a health club to offer any cash or discounted pre-payment option that exceeds a reduction of the cash value of the highest stated price for any similar period or service-type of agreement:

(1) by an excess of ten percent (10%) for any term less than two (2) years duration;

(2) by an excess of fourteen percent (14%) for any term of two (2) years duration, but less than three (3) years duration; or

(3) by an excess of eighteen percent (18%) for any term of three (3) years duration.

(d) It shall be unlawful for a health club to offer free or no cost periods of enrollment in addition to the initial paid term of the agreement in order to circumvent the discounting provision of subsection (c).

SECTION 5. Tennessee Code Annotated, Section 47-18-305(a)(5)(B)(iii), is amended by deleting the punctuation "." following the word "agreement" and substituting instead the following:

, AND, IN THE CASE OF INSTALLMENT PAYMENTS WHICH ARE NOT MADE BY ELECTRONIC FUND TRANSFER OR CASH, AN ADMINISTRATIVE CHARGE, NOT TO EXCEED FIVE DOLLARS (\$5.00) FOR EACH BILLING PERIOD.

SECTION 6. Tennessee Code Annotated, Section 47-18-305(a)(5)(B)(iv), is amended by deleting the original subsection in its entirety and substituting the following language:

(iv) THERE ARE NO AUTOMATIC OR LIFETIME RENEWALS OF THE TERM INCIDENT TO THE TERM OF THIS CONTRACT. IF THE HEALTH CLUB PROVIDES FOR A RENEWAL OPTION, SUCH OPTION MUST BE AFFIRMATIVELY AGREED TO IN WRITING BY THE BUYER AT THE BEGINNING OF THE RENEWAL PERIOD. IF THE HEALTH CLUB FACILITY IS LESS THAN OR EQUAL TO TEN THOUSAND (10,000) SQUARE FEET (GROSS) OF BUILDING SPACE, THEN THE ANNUAL COST OF SUCH RENEWAL SHALL NOT BE ANNUALIZED COST OF THE BASE MEMBERSHIP CONTRACT OR SEVENTY-FIVE DOLLARS (\$75), WHICHEVER IS GREATER. HOWEVER, IF THE HEALTH CLUB FACILITY IS GREATER THAN TEN THOUSAND (10,000) SQUARE FEET (GROSS) OF BUILDING SPACE, THEN THE ANNUAL COST OF SUCH RENEWAL SHALL NOT BE LESS THAN THIRTY PERCENT (30%) OF THE ANNUALIZED COST OF THE BASE MEMBERSHIP CONTRACT OR ONE HUNDRED TWENTY- FIVE DOLLARS (\$125), WHICHEVER IS GREATER. PAYMENT OF ANY RENEWAL SHALL BE MADE AS REQUIRED BY TENNESSEE CODE ANNOTATED, 47-18-305(A)(5)(B)(ii).

SECTION 7. Tennessee Code Annotated, Section 47-18-305(a)(5)(B), is amended by adding the following language as new subsections to be designated as (v) and (vi):

(v) A CONTRACT OR AGREEMENT MAY HAVE A CONTINUING PROVISION OR STIPULATION THAT PROVIDES FOR A MONTH TO MONTH CONTINUATION OF THE INITIAL TERM OF THE AGREEMENT PROVIDED THE BUYER HAS THE RIGHT TO CANCEL THE CONTINUING PORTION OF THE AGREEMENT AFTER FULFILLING THE ORIGINAL TERM OF THE AGREEMENT BY TENDERING THIRTY (30) DAYS WRITTEN NOTICE OF SUCH INTENT TO THE OPERATOR BY REGISTERED MAIL. IF SUCH CONTRACTUAL OBLIGATION HAS A CONTINUING STIPULATION, NOTIFICATION MUST BE SENT CLUB OPERATOR TO CONFIRM THAT THE WAS FULFILLED AND TO REAFFIRM PROVISION OR BY THE HEALTH ORIGINAL OBLIGATION

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

THE MONTH TO MONTH OR

CONTINUING PROVISION OR STIPULATION. SUCH NOTIFICATION SHALL ALSO INCLUDE NOTICE OF THE BUYER'S RIGHT TO CANCEL THE CONTINUING MONTH-TO-MONTH OBLIGATION UPON THIRTY (30) DAYS' WRITTEN NOTICE SENT BY THE BUYER TO THE OPERATOR BY REGISTERED MAIL.

(vi) ANY RENEWAL RIGHT GRANTED UNDER THIS CONTRACT SHALL EXPIRE ON THE FINAL DAY OF THE AGREEMENT. HOWEVER, THE BUYER SHALL HAVE A THIRTY (30) DAY GRACE PERIOD FROM THE DATE OF THE EXPIRATION OF RENEWAL RIGHT IN WHICH TO EXERCISE ANY RENEWAL GRANTED TO THE BUYER UNDER THIS CONTRACT. OPERATOR SHALL HAVE THE RIGHT TO CHARGE A LATE PENALTY OF UP TO \$25 IF THE RENEWAL RIGHTS ARE NOT EXERCISED ON OR BEFORE THE EXPIRATION DATE AS STIPULATED IN THE AGREEMENT OR ANY FUTURE RENEWAL PERIODS.

SECTION 8. Tennessee Code Annotated, Section 47-18-305(b), is amended by deleting the original subsection in its entirety and substituting the following language:

(b) A health club shall not enter into or offer to enter into a health club agreement unless the health club is fully operational and available to use by prospective buyers. The division shall, upon application by a health club operator, certify that a health club facility is fully operational if all of the promised equipment and services are available for use by prospective buyers. No payment or promise to pay by a prospective buyer may be accepted by any health club operator unless and until the health club facility has been certified by the division to be fully operational as described herein. This subsection shall not apply to any health club that has maintained a satisfactory registration with the division for five (5) consecutive years, provided, however, such health clubs notify the division by certified mail of their intent to enter into agreements for a location not fully operational as otherwise required by this subsection. In order to be eligible to use this exemption, an operator must use the same identification as described in any existing facility registration information as well as use the same federal and state tax accounts for payments of any related taxes due to this extension of operations.

SECTION 9. Tennessee Code Annotated, Section 47-18-306(a), is amended by deleting the original subsection in its entirety and substituting the following language:

(a) Unless the buyer is granted a right to cancel the health club agreement as provided in subsection (b) of this section, no buyer shall be bound by any health club agreement with a stated initial term greater than thirty-six (36) months.

SECTION 10. Tennessee Code Annotated, Section 47-18-306(b), is amended by deleting the original subsection in its entirety and substituting the following language:

(b) A health club agreement may include a provision or stipulation that provides for a month-to-month continuation of the agreement, either as an initial agreement between the operator and the buyer or as an extension of an agreement beyond a stated term or duration; provided, however, the buyer has the right to cancel the continuing portion of the agreement by providing the health club operator thirty (30) days written notice by registered mail of the buyer's intent to cancel the agreement.

SECTION 11. Tennessee Code Annotated, Section 47-18-309, is amended by adding the following language as a new subsection to be designated as (c):

(c) No health club operator shall accept payment or a promise to pay pursuant to any health club agreement or pursuant to any subsequent amendment to an existing health club agreement until a copy of the health club agreement or the amendment thereto has been filed with and accepted by the division as being in compliance with the provisions of this chapter. A health club agreement or amendment shall be deemed accepted for use unless the division furnishes the health club operator written notice of rejection of the agreement or amendment within forty-five (45) days of the date of filing with the division.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. This act shall take effect on January 1, 1997, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion, Rep. Armstrong withdrew Consumer & Employee Affairs Committee Amendment No. 1.

Rep. Williams(Williamson) moved that **House Bill No. 3201**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0
Present and not Voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

**\*House Resolution No. 162** -- General Assembly, Studies - Creates special house committee to examine usage and effects of drug ritalin relative to treating hyperactivity and attention deficit disorder. by \*Brown, \*Brooks.

Rep. Brown moved that House Resolution No. 162 be adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Resolution No. 162 by deleting from the caption the word "ritalin" and by substituting instead the following:

ritalin and other amphetamines"

AND FURTHER AMEND by deleting from the first resolving clause the word "ritalin", wherever it appears, and by substituting instead the following:

ritalin and other amphetamines

AND FURTHER AMEND by inserting the following language immediately after the third resolving clause:

BE IT FURTHER RESOLVED, That the special House committee shall also consist of the following four (4) non-legislative members, to be appointed by the Speaker of the House:

(a) one pediatrician,

(b) one child psychiatrist,

(c) one clinical pharmacologist, and

(d) the medical director for the state board of medical examiners.

Rep. Brown moved to amend as follows:

**Amendment No. 1 to Amendment No. 1**

AMEND Amendment No. 1 by deleting the language "(a) one pediatrician," and by substituting instead the following:

(a) one pediatrician, to be appointed from a list of three (3) nominees submitted by the Tennessee medical association,

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Brown moved that **House Resolution No. 162**, as amended, be adopted, which motion prevailed by the following vote:

Ayes.....	91
Noes .....	0
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Turner (Hamilton), Westmoreland -- 2.

A motion to reconsider was tabled.

**House Bill No. 2872** -- Hospitals and Health Care Facilities - Defines "residential assisted care living facility" and "residential assisted care living facility resident." Amends TCA Titles 2, 48, 63, 68 and 71. by \*Odom, \*Byrd, \*Pruitt, \*Duer, \*DeBerry L, \*Kerr, \*Bowers, \*Davidson, \*DeBerry J, \*Armstrong, \*Jones, S., \*Head, \*Miller L, \*Jones R (Shelby), \*Shirley, \*Haley, \*Turner (Hamilton), \*Kent, \*Herron, \*Bragg, \*Eckles, \*McMillan, \*Kernell, \*Fowlkes, \*Buck, \*Hassell, \*Rinks, \*Ridgeway, \*Kisber, \*Chumney,



**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

\*Westmoreland, \*Callicott, \*Joyce, \*Jones U (Shelby), \*Wood, \*Brooks. (\*SB2538 by \*Wilder, \*Ford J, \*Henry, \*Cohen, \*Holcomb, \*Person, \*Crutchfield, \*Kyle)

Further consideration of House Bill No. 2872, previously considered on April 1, 1996 and April 4, 1996, and reset to today's Calendar.

Rep. Odom moved that House Bill No(s). 2872 be reset to the Regular Calendar for April 11, 1996, which motion prevailed.

**House Bill No. 2539** -- Boats, Boating - Regulates use of personal watercraft on Tennessee waters. Amends TCA Title 69, Chapter 10. by \*Cantrell, \*Newton, \*Kerr, \*Westmoreland, \*McKee, \*Hassell, \*Callicott, \*Stamps, \*Walley. (\*SB2037 by \*O'Brien)

Further consideration of House Bill No. 2539, previously considered on today's Calendar, at which time the House adopted Amendment(s) No(s). 1 and 2.

Rep. Cantrell moved that House Bill No(s). 2539 be reset to the Regular Calendar for April 11, 1996, which motion prevailed.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 1952** -- Animals - Prohibits entities of state and local governments from enacting or enforcing laws or regulations restricting or preventing owner of dog from using electronic locating collar to protect such dog from loss. Amends TCA Title 44, Chapter 17. by \*Newton, \*Duer. (SB2317 by \*Miller J)

**Senate Amendment No. 2**

AMEND House Bill No. 1952 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If the owner or a person in control of a dog is hunting or is present on private property and such person's dog strays onto property owned by the federal government and operated by the Tennessee Wildlife Resources Agency, such owner or person is not liable for any civil or criminal sanction related to such dog.

**Senate Amendment No. 3**

AMEND House Bill No. 1952 by deleting the amendatory language added by Senate Amendment #2 and substituting instead the following:

Section \_\_\_\_\_. If the owner or a person in control of a dog is hunting with either a firearm or a bow and arrow, and such person's dog strays onto

property owned by the federal government and operated by the Tennessee Wildlife Resources Agency, such owner or person may proceed onto such property without the person's firearm or bow and arrow. Such person shall not be liable for any criminal sanction related to the pursuit of such dog.

Provided, however, nothing in this section shall be construed to grant civil immunity to the owner or the person in control of the dog for any personal injury or property damage caused by the dog.

Rep. Newton moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to **House Bill No. 1952**, which motion prevailed by the following vote:

Ayes..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 2455** -- Pest Control - Authorizes use of certain adjuvants with pesticides Amends TCA Title 43, Chapter 8, Part 3; Title 43, Chapter 8, Part 1 and Title 62, Chapter 21, Part 1. by \*Fitzhugh, \*Phelan. (\*SB2755 by \*Wilder)

Rep. Fitzhugh moved that House Bill No(s). 2455 be reset to the Message Calendar for April 15, 1996, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 3052** -- Criminal Offenses - Creates Class C misdemeanor offense for intentional harming of police dog while performing official duties. Amends TCA Title 39, Chapter 14, Part 2. by \*McKee, \*Phelan, \*Rigsby, \*Roach, \*Ramsey, \*Venable, \*Westmoreland, \*Williams (Union). (\*SB3113 by \*Miller J)

**Senate Amendment No. 3**

AMEND House Bill No. 3052 T.C.A. § 39-14-205 subsection (b) shall be amended as follows:

The words "except in the case of police dogs" shall be inserted between "...justified in killing the animal of another.." and "...of another if such person..."

**Senate Amendment No. 1 to Senate Amendment No. 3**

AMEND Senate Amendment 3 as follows:

The words "except in the case of police dogs acting in their official capacity" shall be inserted as directed in Amendment #3.

Rep. McKee moved that the House concur in Senate Amendment(s) No(s). 3, as amended.

Rep. McKee moved that House Bill No(s). 3052 be reset to the Regular Calendar for April 11, 1996, which motion prevailed.

**UNFINISHED BUSINESS**

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 11, 1996:

**House Bill No. 3081:** by Rep. Hargrove.

**Senate Bill No. 621:** by Rep. Herron.

**Senate Bill No. 1981:** by Rep. Chumney.

**Senate Bill No. 2791:** by Rep. Jones U (Shelby).

**House Bill No. 2489:** by Rep. Windle.

**RULES SUSPENDED**

Rep. Purcell moved to suspend the rules so that the House may go into the Committee of the Whole on Wednesday, April 10, 1996 to honor Senator O'Brien and the University of Tennessee Lady Volunteers, which motion prevailed.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 2433:** Rep(s). Roach and Curtiss as prime sponsor(s).

**House Bill No. 2636:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 2946:** Rep(s). Kernell, Haley, Chumney, Herron, Hargrove, McDonald and Ritchie as prime sponsor(s).

**House Bill No. 3166:** Rep(s). Westmoreland and Phelan as prime sponsor(s).

**REPORT OF CHIEF ENGROSSING CLERK**

**April 8, 1996**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 645, 2366, 2520, 2622, 2698, 2788, 2887, 2951, 2954 and 3203; also, House Joint Resolution(s) No(s). 383, 426, 479, 488, 493, 494, 495, 496 and 498.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2237, 2355, 2414, 2524, 2660, 2666 and 2819; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 376, 393, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 424 and 425; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

**April 8, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 484, with his approval.

HARDY MAYS, Counsel to the Governor.

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

**ENROLLED BILLS**

**April 8, 1996**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1551, 2968, 3249, 3267, 3268, 3269, 3270, 3274, 3275, 3276, 3277, 3280 and 3281; also, House Joint Resolution(s) No(s). 499, 502, 504, 505 and 506.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 8, 1996**

The Speaker signed the following: House Bill(s) No(s). 1551, 2968, 3249, 3267, 3268, 3269, 3270, 3274, 3275, 3276, 3277, 3280 and 3281; House Joint Resolution(s) No(s). 499, 502, 504, 505 and 506.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 8, 1996**

The Speaker signed the following: Senate Bill(s) No(s). 1184, 1984, 2000, 2020, 2028, 2061, 2069, 2195, 2278, 2505, 2648, 2741, 2776, 2801, 2822, 2884, 2907, 2959 and 3044; also, Senate Joint Resolution(s) No(s). 340, 386, 392, 394, 395, 398, 399 and 400.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 444; All adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 444** -- General Assembly, Adjournment, Recess - Adjourns 99th General Assembly sine die on Wednesday, April 24, 1996. by \*Burks, \*Crutchfield, \*Atchley.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2992; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 439 and 449; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2688, 2693, 3059, 3061, 3170 and 3216; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2837; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2489; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1981.

The Senate nonconcurred in House Amendment(s) No(s). 3 and 4.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 621.

The Senate nonconcurred in House Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2791.

The Senate nonconcurred in House Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2746; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1969; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 499, 502, 504, 505 and 506; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1551, 2968, 3249, 3267, 3268, 3269, 3270, 3274, 3275, 3276, 3277, 3280 and 3281; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 8, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 437.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

**ENGROSSED BILLS**

**April 8, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 528, 530, 531, 532 and 533.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 451 and 453; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 8, 1996**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1973, 2410, 3283 and 3284; also, House Joint Resolution(s) No(s). 378, 458, 469, 521 and 522.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 437, 528, 530, 531, 532 and 533; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 14; The resolution passed three readings in the Senate by a roll call vote in accordance with Article XI, Section 3 of the Constitution of the State of Tennessee.

CLYDE W. McCULLOUGH, JR., Chief Clerk.



**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2255; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 8, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3081; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 8, 1996**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2101, 2181, 2393 and 2417; also, House Joint Resolution(s) No(s). 403, 438, 463, 512, 514, 515, 516, 517, 518, 519, 524 and 526.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 8, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2534 and 2536.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 8, 1996**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1551, 2968, 3249, 3267, 3268, 3269, 3270, 3274, 3275, 3276, 3277, 3280 and 3281; also, House Joint Resolution(s) No(s). 499, 502, 504, 505 and 506.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 96

**MONDAY, APRIL 8, 1996 -- EIGHTY- THIRD LEGISLATIVE DAY**

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

**RECESS MOTION**

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, April 11, 1996.